

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3859 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHANDRAKANT MANILAL PATEL SINCE DECEASED THROUGH HEIRS

Versus

MANAGER

Appearance:

MR DC RAVAL for Petitioners

MR PM THAKKAR for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 22/04/99

ORAL JUDGEMENT

1. Petitioner was working as Chief Operator in Galaxy Cinema since 9 years with consolidated pay of Rs.383/- P.M. He was discharged from the services without reason by way of victimization on 1.7.81 as he had joined Maha Gujarat General Workers Union. The conciliation proceeding under conciliation case No.107/81, was pending before the Assistant Labour Commissioner, Bhavnagar. The petitioner was also one of the claimants before the Conciliation Authority amongst other workers of the Union as he was member. The respondent without express permission in writing, of the

Concilliation Authority, discharged after giving notice dtd. 1.7.81, which was replied on 30.6.81.

2. The petitioner had joined the Union activities and the demand were raised before the Concilliation Authority in Concilliation Case No. 107/81. The respondent had given a notice to the petitioner on 23.6.81, that he was not working satisfactorily and damaged prints.

3. The Labour Court by passing the impugned order, directed the Manager, Galaxy Cinema, Bhavnagar to pay the workman Chandrakant Manilal Patel an amount of Rs.500/- in lieu of back wages. Hence, this petition.

4. In light of the facts and circumstances and evidence on record, and after hearing the submission of the Learned Advocate and considering and bearing in mind the two provisions of the Industrial Disputes Act, 1947, in the opinion of this Court, the ends of justice would be justified if the appellant-original applicant workman is paid an amount of Rs.10,000/- by the respondent. In the result, the respondent-original opponents directed to pay an amount of Rs.10,000/- to the workman employee within a period of 4 weeks from today, failing which, it will be open for the workman to take available appropriate remedy. Accordingly the petition stands disposed of.

Petition is partly allowed. Rule is made absolute.

Date: 22/04/99. (J. N. Bhatt, J)
sanjay.